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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,888	10/23/2003	Timothy P. McKee	MFCP.110115	8996

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EXAMINER	
LE, MIRANDA	
ART UNIT	**PAPER NUMBER**
2159	

MAIL DATE	DELIVERY MODE
10/02/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/691,888	**Applicant(s)** MCKEE ET AL.	
	Examiner MIRANDA LE	**Art Unit** 2159	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 September 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: *None*.
   Claim(s) objected to: *None*.
   Claim(s) rejected: *1-24*.
   Claim(s) withdrawn from consideration: *None*.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Miranda Le/
Primary Examiner, Art Unit 2159

Continuation of 11. does NOT place the application in condition for allowance because:

1. In response to Applicant's arguments that "Claim 9 recites two sources for display elements to be used to present a particular data store item. First, "shell view schema" that is used to displayed items having a particular "relationship types." Second, "display elements defined" by a particular item. When conflicts arise between the view schema defined by the shell and the display elements defined by the item itself, claim 9 requires that such conflicts be "resolved in favor of said shell view schema", Examiner respectfully disagrees as Thompson-Rohrlich read on claim 9's limitations as follows:
Shell view schema limitation equates to ViewerExtension.c, ViewerCentral.c, Viewer.c, ViewerSearcher.c, ViewerSpec.c, of Thompson-Rohrlich (see col. 5).
Shell view schema limitation further equates to folders for displaying its contains, folder 16, folder 17, col. 17, col. 2, lines 26-40, or New Viewer in Fig. 4.
Relationship types limitation equates to All application programs, All mail messages, Files whose text contains the words "progress report", Files modified today, Files not accessed in the past 12 months, The 10 largest files, See Thompson-Rohrlich, col. 1, line 55 to col. 12, line 10.
Relationship types limitation further equates to a first categorization, a second categorization, col. 2, line 26-40.
display elements limitation further equates to Name, Size, Kind, LastModified in Fig. 2 of Thompson-Rohrlich.
a particular item equates to the file to be display in Fig. 2.

The conflict limitation equates to Since file 13 meets both categorizations, it would need to be appeared in both first folder 16 and second folder 17, col. 2, line 26-40.

The step of solving the conflict equates to the original file 13 can be stored in first folder 16, and an alias to the file 13 can be stored in the second folder 17, col. 2, line 26-40).

It should be noted that Thompson-Rohrlich implicitly teaches the step of detecting conflict as making a decision where to store the files 10, 11, 12, 13, 14, and 15 (i.e. .(i.e. FIG. 1 shows a depiction of searching and organizing files about two different topics in a method in accordance with this invention. Files 10, 11, 12, 13, 14, and 15 each contain information on a separate topic. Files 10 through 13 all meet the requirements of a first categorization, and can be gathered together and stored in a first folder 16. Files 13 through 15 all meet the requirements of a second categorization, and can be gathered together and stored in a second folder 17. Since file 13 meets both categorizations, it would need to be appear in both first folder 16 and second folder 17. To avoid having to place a complete copy of file 13 in both places, the original file 13 can be stored in first folder 16, and an alias to the file 13 can be stored in the second folder 17, Thompson-Rohrlich , col. 2, line 26-40).

2. In response to Applicant's arguments that "whether that file is assigned to folder A or folder B simply does not implicate the choice between display elements, i.e. display elements of a view schema defined by the shell and display elements defined by the item itself", Examiner notes that it should be understood that the choice for displaying was taught by the prior art as displaying file 10 in folder 16 and display file 15 in folder 17 (See Fig. 1 of Thompson-Rohrlich).

3. In response to Applicant's arguments that "Claim 9 expressly requires that conflicts be resolved "in favor of said shell view schema", it is noted that
In favor of said shell view schema equates to folder 16, folder 17 of Thompson-Rohrlich, col. 2, lines 26-40.

4. In response to Applicant's arguments that "Claim 18-24, Thompson-Rohrlich and Dusker also fail to teach "shell view schemas" that identify "visual elements selected as appropriate for display with items of one of said one or more relationship types.", Examiner respectfully points out that:
Thompson-Rohrlich states,
ViewerSpec.c , Every Viewer needs at least one specification to base its search on but can have any number of specifications. ViewerSpec.c defines the ViewerSpec object. In the current update strategy, Viewers get updating time through the idle mechanism. This can come directly to the Viewer object if it has an open window or indirectly through the extension's idle. Thus, Viewers that are open will be updating frequently (if they are not already "up-to-date") and those that are closed will be updating infrequently because they are sharing the extension's idle time with all the other Viewers. Upon opening a viewer, it immediately updates itself unless it it already up-to-date. In the current implementation, no Viewer has any more priority than any other. But, for example, Viewers looking for mail might be given more idle time even when closed because incoming mail is an important event, col. 5, lines 45-63
In a particular embodiment of this invention, the program which performs the searching, aliasing and organizing function is called a "Viewer," since it provides a particular "View" into the set of files stored on the computer system. A Viewer acts as an intelligent folder that continually searches for files meeting a specification supplied by the user. For each file found, an alias is created and this alias appears in the Viewer's folder and window. In effect, a Viewer acts as an automated filing system. A Viewer can be used to organize files, or as a way to find files having a known characteristic, but whose name or location is not remembered. Some common uses of Viewers are to collect aliases to groups of files such as:
All application programs
All mail messages
Files whose text contains the words "progress report"
Files modified today

Files not accessed in the past 12 months
The 10 largest files
As the computer system is used and files are added, deleted or modified, the Viewers remove and add aliases to their folders to maintain an accurate representation of the current set of the files stored on the computer system, col. 1, line 55 to col. 2, line 11.
Thus, the prior art read on the claimed limitations as fiollows:
Shell view schema limitation equates to ViewerExtension.c, ViewerCentral.c, Viewer.c, ViewerSearcher.c, ViewerSpec.c, see col. 5 of Thompson-Rohrlich.

Visual Element limitation equates to ViewerSpec object, col. 5, lines 45-63.

Visual Element limitation further equates to the file that the user of Thompson-Rohrlich wants to organize to be displayed, col. 1, line 55 to col. 2, line 11.

Visual Element limitation further equates to Name, Size, Kind, LastModified in Fig. 2 of Thompson-Rohrlich.

Relationship types limitation equates to All application programs, All mail messages, Files whose text contains the words "progress report", Files modified today, Files not accessed in the past 12 months, The 10 largest files, See Thompson-Rohrlich, col. 1, line 55 to col. 12, line 10.

5. In response to Applicant's arguments that "Shell view schemas that identify visual elements selected as appropriate for display with items of one of said one or more relationship types, Examiner respectfully submits that this limitation equates to A Viewer can be used to organize files of Thompson-Rohrlich, col. 1, line 55 to col. 2, line 11. It should be noted that, the term "organize files" could be interpreted as how to display items.

6. In response to Applicant's arguments that "The Thompson-Rohrlich Viewer, however, does not include a customized display schema stored in association with items having a particular relationship", Examiner respectfully traverses as:
A customized display schema equates to A Viewer can be used to organize files, see col. 1, line 55 to col. 2, line 11.
The step of storing a customized display schema equates to the step of creating a new Viewer of Thompson-Rohrlich, col. 3, line 53, Fig. 4.

Based on the foregoing discussion, it is submitted that all claims are not patentably distinct over the cited art of record.
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